

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOHN THOMAS ENTLER,
Plaintiff,

v.

BRIDGETTE K. BOLINGER,
Defendant

No. CV-05-5122-FVS

ORDER DENYING MOTION FOR NEW TRIAL

BRIDGETTE K. BOLINGER,
Defendant.

THIS MATTER comes before the Court on the Plaintiff's Motion For Trial, Ct. Rec. 186. The Plaintiff is proceeding pro se. The Defendant is represented by Mary C. McLachlan.

The case came on for a jury trial on June 9, 2008. The jury returned a verdict in favor of the Defendant on June 12, 2008. The Plaintiff now moves for a new trial, arguing that the admission of evidence regarding his November 16, 2004 infraction for possession of sexually explicit material deprived him of a fair trial.

Specifically, the Plaintiff contends that the admission of this evidence resulted in a "mini-trial" that dominated and obscured the issue of whether the Defendant's later actions were based on a retaliatory motive. The Plaintiff further argues that the introduction of evidence concerning the November 16 infraction decreased his credibility and led the jury to disbelieve his testimony.

The Court finds that the admission of evidence relating to the November 16, 2004 infraction did not deprive the Plaintiff of a fair trial. As the Defendant has pointed out, the Plaintiff failed to object to the introduction of the evidence at trial. In fact, the Plaintiff requested the admission of the sexually explicit photographs that were the basis for the November 16 infraction. He conducted lengthy examinations of several witnesses concerning the sexually explicit nature of the photographs. The Plaintiff himself initiated and perpetuated the "mini-trial." The Court being fully advised,

IT IS HEREBY ORDERED that the Plaintiff's Motion For a New Trial,
Ct. Rec. 186, is DENIED.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order and furnish copies to counsel.

DATED this 18th day of July, 2008.

s/ Fred Van Sickle
Fred Van Sickle
Senior United States District Judge